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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 26 April 2000, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Initial report of Georgia

This record is subject to correction.

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.00-41591 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6)

Initial report of Georgia (E/1990/5/Add.37; HRI/CORE/1/Add.90; E/C.12/A/GEO/1; E/C.12/Q/GEO/1; HR/CESCR/NONE/1999/15)

1. At the invitation of the Chairperson, the members of the delegation of Georgia took places at the Committee table.

2. Ms. BERIDZE (Georgia) said that after 70 years of a totalitarian regime that had left profound scars on Georgia's economic, social, cultural and spiritual life, her country had been engaged in a process of social and State democratization since 1991, the year of its independence. The Georgian Government was striving to lay the foundations of a democratic society, establishing the primacy of the law and launching, among other things, a reform of the judiciary. In that connection, the realization of economic, social and cultural rights was of crucial importance. Preparation of the report had served as an opportunity to examine not only the weaknesses and problems, but also the progress achieved.

3. Georgia was experiencing a difficult period involving the transition from a State-run to a market economy and domestic conflicts in Abkhazia and South Ossetia. Despite the progress in recent years (currency stabilization, control of inflation, rise in GDP) problems such as poverty, high unemployment, inadequate allocation of resources to education and social security, the energy crisis and corruption still persisted. It was of no avail for Parliament to legislate, for the effective exercise of economic, social and cultural rights was hampered by the financial and budgetary crisis. Internal debt had soared owing to the country's failure to pay salaries and pensions. A ministry had recently been created to look after fiscal and customs matters in an effort to improve tax recovery. A huge privatization programme had been launched with a view to guaranteeing all citizens' economic independence as far as possible, and to protect them from arbitrary State interference. Social reforms continued, despite the economic difficulties, and a ministry had been created to deal with health and social security.

4. In January 2000 the Georgian Government had adopted a long-term plan in which social development objectives had been set. The main problem to be solved was poverty. People able to work required help in finding jobs, while the others needed adequate protection. President Shevernadze, recently re-elected, was doing his utmost to improve the economic situation (increasing tax revenue, creating jobs, attracting investment, rationalizing management, and privatizing), as well as the social situation (through reform of the pension system and improved health and education systems). The State party would describe the results in its second periodic report, due in June 2001. In that connection, she pointed out that a body responsible for the preparation of reports to the United Nations treaty bodies had been set up within the National Security Council.

5. Mr. SADI asked whether Georgia had ensured that its legislation and practices conformed to the Covenant when it had acceded to that instrument. He sought details relating to budget allocations to the economic, social and cultural sectors. Had the regional conflicts had any repercussions on the measures taken by the authorities? How had the transition from a State-run to a market economy been effected? Had there been any increase in ordinary and organized crime?

6. Mr. ANTANOVICH said he wished to know the rate of inflation and how it fluctuated. He requested details concerning privatization of land. Did the law permit the sale of real estate? How did it actually work? Who was willing to buy? Did foreigners enjoy the right to purchase?

7. Mr. CEAUSU said he did not fully understand the reasons for the inadequacy of the resources allocated to social and cultural programmes. What was the current state of the national economy? Which were the main branches of economic activity? What, for instance, was the share of industrial production, agriculture and services, especially banking, in GDP? What was the status of the economic reforms, especially the restructuring and privatization of industry? Lastly, he called for more detailed information on the level of taxes paid by businesses, merchants and wage-earners.

8. Mr. TEXIER asked what the current reform of the judiciary involved and whether it would make the judicial system more independent. He also wished to know which sectors would be affected by the large-scale privatization programme provided for in the President's plan of action. What consequences would it have for the main social budgets, the essential State sector and, more particularly, the State's obligation to ensure observance of economic, social and cultural rights in general, particularly those of the most disadvantaged strata of population? What effect was it expected to have on poverty?

9. Ms. BERIDZE (Georgia) said economic, social and cultural rights were enshrined in chapter II of the Georgian Constitution. Following its adoption, the country's legislation had been brought into line with the Covenant, which could now be invoked before the Georgian courts. International agreements, conventions and covenants formed an integral part of Georgian law and prevailed over domestic laws. If the provisions of a new law should contradict an international instrument, they would be amended accordingly.

10. Regional conflicts had had a highly adverse impact. The protection of some 280,000 displaced persons in particular placed a heavy burden on Georgia's budget. Unlike the state of affairs in Abkhazia, where living conditions were extremely difficult, the situation was better in South Ossetia and the rest of Georgia.

11. Human rights were protected by many bodies, but the prime role in that field was played by the judiciary, which was independent of the State and impartial. With the adoption of the law governing the judiciary, the country had been able to renew its Bench and select more qualified candidates. Women and men currently enjoyed equal representation on the judiciary. The law also made it possible to pay judges a decent salary and hence reduce the risk of corruption.

12. Mr. JIBUTI (Georgia) said his country was experiencing myriad problems, many of them spawned by communism. Following his country's struggle for independence, Georgians had

accorded priority to political rights. That was why, when the country had become party to the Covenants and other international human rights instruments, many had doubted that economic, social and cultural rights would be effectively exercised in Georgia.

13. The transition to a market economy had had significant consequences, including the emergence of unemployment, previously considered a crime in the Soviet Union. Following independence, unemployment had become a reality and new mechanisms had been needed to cope with it, but that had not always been possible. During the early years following the country's liberation (1992-1994), Georgia had had no annual budget, but had simply established estimates to cover a few months at a time. In 1992 budgetary income had reached the equivalent of approximately US$ 100,000. Since 1995 Georgia had adopted a budget law every year, so that there was currently a genuine budget system, although it needed a few finishing touches.

14. With regard to the budget for social and cultural matters, health and social security had accounted for 25 per cent of allocations in 2000. Expenditure on culture and education accounted for some 8 per cent of the budget, while social and cultural spending made up approximately 35 per cent of the total. Spending on health and education, to give an example, was spread out over various sectors, making it rather difficult to give a global expenditure figure. Moreover, the figures supplied did not fully reflect the real situation, for the budget had to be implemented, which raised the thorny problem of the shortfall in revenue actually raised. What was more, the budget did not allow for funds to be allotted to infrastructure.

15. Regional conflicts had adverse effects on the economy. Abkhazia and South Ossetia, which did not come under government control, provided sanctuary for smugglers and other criminals. The adoption of a market economy had, for its part, also had certain adverse effects such as bank fraud and money laundering. Georgia had posted an inflation rate of 8-9 per cent in 1997-1998 and 10 per cent in 1999. Average per capita income was in the region of US$ 600. The fact that anyone, irrespective of nationality, could buy and sell land had created a property market, stimulated by purchases by foreigners.

16. Georgia was as yet in no position to provide a decent living for its citizens, as borne out by the late payment of salaries. However, salaries and social contributions alike were protected by budget regulations in that the State could not undertake budget spending unless social contributions and salaries had been paid. Georgia had not been indebted in 1996-1997, having received substantial assistance, but since then it had sought to be as autonomous as possible, which had translated into the emergence of a budget deficit with the serious negative consequences it entailed. Georgia, once part of the Soviet economy, had produced machinery, aeroplanes and ships, among other things, and had even possessed steel, chemical and other industries. The goods thus produced had been destined for the Soviet market. Following the country's accession to independence, those industries had not, as a rule, been able to cope with the competition. The sectors that survived were agriculture - whose production had fallen by some 60 per cent - and services, trade and communications. Virtually all small and medium-sized enterprises had been privatized, and some of them had been sold at a nominal price. Privatization of businesses had resulted in the free distribution of some shares to workers and been accompanied by a change in activity. Formerly, those businesses had represented a burden for the State and added to the public debt. Land privatization had had beneficial effects: it was the free allocation of 1.25 hectares to each family that had enabled a famine to be avoided,

since agricultural production had increased considerably in the years just after that privatization. At the microeconomic level, tax recovery perhaps constituted the biggest problem. The potential revenue was in fact many times the amount established in the budget. The Government was determined to address the various economic problems and trusted that the situation would have improved by the time of the next report.

17. Mr. CEVILLE considered it a positive development that the International Covenant on Economic, Social and Cultural Rights could be invoked before the courts, but regretted that, in practice, Georgians did not as yet have recourse to that possibility because of their poor level of civic education. What measures were the authorities taking to remedy the situation?

18. Mrs. JIMÉNEZ BUTRAGUEÑO requested further information on Georgia's budgetary system.

19. Mr. KOUZNETSOV pointed out that in its analysis of Georgia's situation, contained in the country profile (E/C.12/A/GEO/1), the secretariat had mentioned a report from the United States Department of State that the ombudsman devoted most of his time to economic and social rights. He would like to know if that was indeed the case, and, if so, how the ombudsman worked. He also asked why inflation had risen to 10 per cent in 1999, when it had previously been lower.

20. Ms. BERIDZE (Georgia) said that, largely as a result of international assistance, improvements had been made in education in the laws. For instance, the authorities were providing education in the regions on the international human rights instruments, the text of which had been distributed to the public free of charge. Once funds became available, the Government would distribute, also free of charge, 3,000 copies of the compilation of international human rights instruments. Study of those texts had also been incorporated into school syllabuses. Moreover, the media were endeavouring to raise awareness of human rights, and defendants could receive free legal aid. Georgia was therefore making progress in that field, although all the problems had not yet been solved. Only after independence had most Georgians heard of human rights for the first time. The United States Department of State's assertion that the ombudsman devoted most of his time to economic and social rights was an unjustified criticism. It must be borne in mind that immediately after independence, in the euphoria of freedom regained, attention had focused mainly on civil and political rights. However, those rights were inseparable from economic, social and cultural rights. With regard to the way in which the ombudsman worked, he had, for instance, visited displaced persons and had done his best to resolve their problems.

21. Mr. JIBUTI (Georgia) explained that between 1994 and 1998 the inflation rate had dropped from three or even four digits to a single digit (8-9 per cent). However, the August 1999 crisis in the Russian Federation, Georgia's main economic partner, had obliged his country to modify its monetary policy and exchange-rate system: the State had ceased to intervene on the exchange market and allowed its currency to float. That had certainly led to a period of fluctuation; but the inflation rate had now stabilized at 10 per cent.

22. The CHAIRPERSON invited Committee members who so wished to put questions or make observations on the State party's replies (HR/CESCR/NONE/1999/15) to the questions on the list of issues (E/C.12/Q/GEO/1).

23. Mr. RIEDEL welcomed the establishment of the post of independent ombudsman with extensive powers. He observed, however, that it had been stated in the 1997 report of the Human Rights Committee that the post had not yet been filled. When had that been done? And had the incumbent reported on any cases submitted to him or her? If so, did the report deal with issues relating to economic, social and cultural rights? Was it in the ombudsman's remit to look into how such rights were exercised? In conclusion, he was pleased that the Georgian Government was actively encouraging the adoption of an Optional Protocol to the Covenant.

24. Mr. HUNT asked whether economic, social and cultural rights formed part of the mandate of the human rights commissions established in Georgia in the wake of the November 1998 elections. Were those commissions actually independent, within the meaning of the Paris Principles relating to the status of national institutions for the promotion and protection of human rights? He also wished to know whether Georgia had prepared a national plan of action on human rights, in accordance with the Vienna Declaration. If it had not, it would be desirable for the Georgian Government to prepare a plan which, albeit comprehensive, was centred on economic, social and cultural rights, in view of the poverty prevailing in the country. Lastly, he inquired whether the obligations deriving from the Covenant had been taken into account in the preparation of the social sector reforms. The need to take them into account could not be overstated, particularly since conformity with the Covenant could mitigate some of the adverse effects of unbridled privatization, especially on the most vulnerable groups.

25. Mr. ANTANOVICH, noting that Georgia had a great many human rights institutions and mechanisms, asked exactly what their respective powers were and whether there was any risk of overlapping or duplication.

26. Mr. CEAUSU expressed surprise that all matters concerning protection of human rights were the responsibility of the National Security Council at the executive level, while in other countries they usually fell to the Ministry of Justice. Regarding the place of national instruments in the Georgian legal system, it was stated in paragraph 84 of the core document (HRI/CORE/1/Add.90) that treaties and agreements concluded by Georgia which did not conflict with the Georgian Constitution took precedence over the provisions of domestic law. Did that mean that the Constitutional Court could declare a provision of an international treaty ratified by the Government to be in conflict with the Georgian Constitution?

27. Mr. GRISSA asked whether, in preparing statistics on gross domestic product (GDP), the Georgian Government employed the techniques previously used in the former Soviet Union, or the methods applied in the countries of the West. The written replies submitted by the State party declared annual per capita income to have been 560 lari at 1 January 1999: 438 lari in cash and 122 lari in kind. To what did the "in kind" portion refer, and how was it arrived at? Did it apply to all sectors of the economy, or only to agriculture? Lastly, he considered the minimum wage of 20 lari in July 1999 to be a mere pittance, representing as it did barely 4 per cent of per capita income. How could workers meet their basic needs in those conditions and on such a wage?

28. Mr. WIMER ZAMBRANO requested more detailed information on the current situation of the conflict in Abkhazia and South Ossetia.

29. Ms. BERIDZE (Georgia) noted that under the Constitution the protection of human rights and fundamental freedoms was in the remit of an ombudsman, who had been elected to Parliament on the majority ticket for a 5-year term. The ombudsman was empowered to disclose all human rights violations and report them to the competent organs. Anyone obstructing the fulfilment of that mandate was liable to prosecution. An organic law had been adopted which bestowed enormous powers on the ombudsman. That having been said, the post of ombudsman was new to Georgia, hence the difficulties encountered in its establishment. If the post was currently vacant, once again, it was simply because the incumbent had recently been elected to Parliament. His deputy would be directing operations until a successor had been appointed, which should take place immediately following the new president's investiture scheduled for 30 April 2000. The National Security Council had already received six nominations from NGOs, Parliament and the Office of the President.

30. Replying to a question on the protection of human rights, she said citizens' security was part and parcel of the defence of their rights and fundamental freedoms. Consequently, it was quite normal that the National Security Council should be responsible for the protection of human rights. The Council's mandate derived from the decree promulgated by the President of the Republic, who, under the Constitution, was the guarantor of rights and fundamental freedoms in the country. The Council had already done an enormous amount of work. For that reason, in the interests of national reconciliation, the current President of the Republic had recently requested it to take the necessary measures to release 65 supporters of former President Gamsakhourdia, who had been overthrown in December 1991. Those persons, who considered that they had been imprisoned for purely political reasons, had been released along with hundreds of others who had taken part in the struggle for Georgia's territorial integrity. The Council was also responsible for preparing the reports that the Government of Georgia submitted to the various United Nations bodies, coordinating and harmonizing the various contributions of the relevant ministries.

31. The human rights commissions had been created within the local representative bodies, and their functions included assisting citizens whose rights had been violated. If the latter did not obtain satisfaction, they could take their case to the National Security Council, the ombudsman or the NGOs, with which Georgia maintained very close cooperation.

32. The Constitutional Court could in principle challenge a provision of the Covenant considered to conflict with the Constitution. In fact, when Georgia had adopted its Constitution in 1995 it had already been a party to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child. In drafting the Constitution, Georgia had therefore taken into account the various provisions contained in those instruments, ensuring that there was no contradiction between those texts and the Constitution. As to the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention on Human Rights, to which Georgia had acceded after adopting its Constitution, the country had ensured that there was no incompatibility between those texts and the Constitution. In any case, an article of the Georgian Constitution provided that it could be

amended in the event of a conflict between one of its rules and a provision of an international instrument to which the country wished to accede. Also, there was currently no national plan of action on human rights. Replying to the question concerning Abkhazia and South Ossetia, she said progress was being made towards a political settlement, but the process was slow and difficult and the situation was prejudicial both to Georgia and to those two territories.

33. Mr. JIBUTI (Georgia) said that with regard to social reform, considerable progress had been achieved and that Georgia's main goal was to combat poverty. The Georgian Government intended to sign the European Social Charter but could not achieve that goal unaided. An agreement had been concluded with the World Bank on ways of reforming the pension system, talks were in progress with IMF, and collaboration had been established with ILO within its fields of competence. Since the statistical reform, GDP indicators were calculated using the IMF methodology. As for the expression "income in kind", it referred to the produce which certain families reaped from plots of land; it constituted their sole source of income and did not enter the commercial circuit. Concerning the minimum wage, a purely symbolic indicator had been in place since 1999, but the actual minimum wage was quite close to that indicator.

34. In conclusion, since the submission of the Government's written replies to the list of issues (HR/CESC/NONE/1995/15), economic programmes had been adopted in Abkhazia and South Ossetia; and health programmes in South Ossetia, financed from the Georgian central budget, had set the stage for economic cooperation.

35. The CHAIRPERSON invited Committee members to put questions on the State party's replies concerning articles 2 and 3 of the Covenant.

36. Mr. CEAUSU asked whether all persons residing in Georgia when independence had been declared, including former Soviet citizens, had automatically been awarded Georgian citizenship.

37. Mr. ANTONOVICH asked whether any government institution existed for ensuring that displaced persons were not discriminated against in regard to employment. He also wished to know whether Georgia had set up a department responsible for the children of displaced families, whose needs included additional linguistic and psychological assistance.

38. Mr. GRISSA, referring to displaced persons, asked what had been the impact of the influx of Chechen refugees on Georgia.

39. Mr. SADI, pointing out that Georgia consisted of many nationalities and many religions, asked how the country managed not to discriminate against any of them.

40. Mr. TEXIER inquired whether only access to the civil service was barred to foreigners, whether that restriction also applied to other sectors, such as labour, health and education, and whether, in that event, foreigners and displaced persons enjoyed the same rights as nationals. As to equality between men and women, he wished to know whether women received the same or less pay than men for equal work, and whether they could accede to positions of responsibility on an equal footing as men, either in the civil service or in the private sector.

41. Mrs. JIMÉNEZ BUTRAGUEÑO wondered whether over-protection of women was not a means of confining them to a purely domestic role.

42. Mr. HUNT asked whether the Georgian Constitution prohibited discrimination against the disabled.

43. Ms. BERIDZE (Georgia) replied that the law governing citizenship, adopted in 1993, had exceptionally conferred citizenship on all persons residing in Georgia at the time of independence. Georgian citizenship could be acquired by birth or naturalization, but dual nationality was not allowed.

44. Mr. JIBUTI (Georgia) added that a person had to be of Georgian nationality to be able to work in the civil service, except in some sectors where there was a particular shortage of specialized staff.

The meeting rose at 1 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 26 April 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

later: Mr. AHMED
(Vice-Chairperson)

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CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Georgia (continued)

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GE.00-41651 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Georgia (E/1990/5/Add.37; HRI/CORE/1/Add.90; E/C.12/Q/GEO/1; HR/CESCR/NONE/1999/15) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Georgia resumed their places at the Committee table.

2. Mrs. BERIDZE (Georgia) said that an ombudsman had been appointed in Georgia, elected by and therefore accountable to Parliament. Initially, the ombudsman had been required to report to Parliament once a year on the action being taken to ensure that the rights enshrined in the Constitution and in the International Covenant on Economic, Social and Cultural Rights were being implemented. A recent change meant that the incumbent had to report to Parliament twice a year.

3. She said that the Georgian people were, by nature, tolerant towards national and religious minorities. There were many such minorities in Georgia, but their presence had never been the cause of any discord. For example, Georgia had had a Jewish population for 2,600 years and it was one of the few countries in the world where pogroms against Jews had never occurred. Considerable State funds were allocated to ensure that the cultures and languages of national minorities, such as Azeris or Armenians, were preserved. During the Soviet period, the only common language among the various peoples in Georgia had been Russian. However, people had started to learn Georgian, since the Constitution provided that Georgian was the official State language. In Abkhazia, both Georgian and Abkhazian were considered State languages. Efforts were being made to ensure that the older generation were not disadvantaged through lack of knowledge of Georgian. Regarding the issue of religion, the largest religious group in Georgia was Orthodox Christians. However, while the Constitution recognized the importance of Orthodox Christianity in the country's history, it also stated that the individual was free to choose his or her religion, and relations between the various religions represented in Georgia were generally peaceful.

4. Responding to a question about discrimination against women, she said that she was Chairperson of the State Commission on Policy for the Advancement of Women, recently established by order of the President of Georgia and made up of women who played an important role in the political, economic and social life of the country. The Committee had helped to draft a presidential decree setting out the specific rights of women and positive measures to improve their situation. Those measures included a request for the Committee to draw up a three-year programme to tackle violence against women, particularly domestic violence, the incidence of which was spreading, partly as a result of the increasing glamourization of violence in films and books. There was no legislation that discriminated negatively against women; however, there were certain provisions of the law that constituted

positive discrimination in their favour. For example, women were not permitted to work in harmful conditions or underground. In general, they enjoyed a high level of respect within Georgian society.

5. It had been established practice since the Soviet period for men and women to receive equal pay for equal work. However, during that period, the breadwinner in most families had been the man, whereas currently there were many families in which the main or even sole breadwinner was the woman. Despite the high level of unemployment, it was easier for women to find work than it was for men. However, many women were unable to find jobs commensurate with their level of education.

6. Responding to a question by Mr. Texier about the number of women in top positions, she said that the situation in the executive branch was much better than in the legislative branch. Two out of 20 ministers in the previous Government had been women, along with seven deputy ministers and several heads of department. However, the traditional attitude of respect towards women was often accompanied by a belief that only men should be appointed to high-ranking positions. That belief was difficult to change. The President himself was active in his efforts to promote more women to higher levels of the executive. The situation in Parliament was much worse. Out of the 235 members of Parliament elected in 1999, only 17 were women. A presidential decree had requested Parliament to draw up specific measures aimed at increasing the number of women in Parliament and had suggested the use of quotas to achieve that end. It was to be hoped that some measures might be taken before the local elections in 2001, in order to improve the representation of women in both central and local government.

7. Regarding refugees from Chechnya, a humanitarian corridor had initially been opened in the area near the border with the Russian Federation, through which about 7,000 refugees – mainly women and children - had been admitted. However, that corridor had subsequently been closed by Russian troops; in any case, the winter weather had made it impassable. The refugees that had been admitted before the closure of the corridor were living with the local population. The Government of Georgia had been able to provide only limited assistance to the refugees, since it already had to deal with large numbers of internally displaced persons from Abkhazia and South Ossetia. It needed the support of international organizations in order to offer further help to the refugees.

8. Mr. JIBUTI (Georgia) said that the Government of Georgia and international organizations represented in Georgia had decided to keep most of the refugees from Chechnya in the same area of the country, because experience had shown that it was more difficult and expensive to provide them with aid if they were scattered over different areas. Food and medical care had been supplied by international organizations and a special programme had been set up within the Ministry of Health and Social Protection to provide funds for medical care. Another problem that had been mentioned was the return to Meskhetia of people who had been deported to Central Asia during the Second World War. There were currently no funds available to assist their return. Moreover, the area where the Meskhetians had lived was now inhabited by refugees from Armenia and elsewhere. However, a law had been adopted granting benefits to people who had been the subject of repression by the Soviet authorities, including those who had been deported from Meskhetia.

9. Most of the refugees in Georgia came from Abkhazia and South Ossetia; they lived all over the country but there were some areas where the refugee population was particularly dense. Most had been temporarily housed in proper buildings such as hotels, hospitals and schools, rather than in tents. Special laws were currently being passed to protect the welfare of refugees. In particular, they received certain benefits from the State, and the children of refugees had the same educational opportunities as Georgian children. The benefits paid to refugees were higher than the wages paid to certain State employees. The need had arisen to address the issue of refugees in a more comprehensive way, paying particular attention to the problems they faced in finding work and their conditions of employment. Refugees had the right to participate in elections in Georgia and made full use of that right.

10. The dominant religion in Georgia was Orthodox Christianity, although it was not the official State religion and did not receive any special privileges. There were many members of other religions living in Georgia and they all lived together peacefully. A law on religion was currently being drafted.

11. It was difficult to explain how the peaceful coexistence of the various national and ethnic groups in Georgia had been achieved. Since everyone had spoken Russian in the past, perhaps that lack of linguistic discrimination had influenced the younger generation. Currently efforts were being made to prevent the emergence of a language barrier; at the same time, the various minorities, such as Greeks, Azeris, Armenians and Russians, were being encouraged to preserve their own language and culture.

12. During the Soviet period, disabled people had been regarded as sick people. Georgia had decided to adopt a different approach, based on the principle of treating the disabled as healthy people with just one physical defect and integrating them into society as far as possible. That approach was laid down in the Constitution. Social rehabilitation centres for the disabled had been opened and various programmes were being implemented, including one designed to help disabled people to find jobs. A small amount of progress had been made, but other infrastructural problems such as the poor state of the roads and the lack of lifts in buildings made it difficult to integrate disabled people fully into society.

13. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of Georgia on Nos. 15 to 21 in section III of the list of issues.

14. Mr. TEXIER, referring to the written reply to question 15, asked what the unemployment rate was as a percentage of the working population. He would also like to know whether any specific programmes had been implemented or were planned to combat youth unemployment and long-term unemployment. He asked whether insecure jobs were included in the statistics given and emphasized the importance of the right to decent work.

15. Referring to the written reply to question 17, he expressed concern that the minimum wage was only 19 per cent of the amount needed for subsistence. That figure was far from fulfilling the requirements of article 7 of the Covenant. He asked what measures were envisaged to raise the level of the minimum wage and whether any workers were paid even less than the minimum wage.

16. The number of work-related accidents, though relatively low, had increased between 1997 and 1998. He would like to know what programmes were in place at both State and company level to prevent such accidents and whether there were any regulatory or legislative measures covering them. Were the courts empowered to hear cases of violations of the Labour Code that resulted in accidents at work? Although Georgia had ratified many International Labour Organization (ILO) conventions, it had not yet reported to the ILO Committee of Experts on the Application of Conventions and Recommendations. He would like to know whether it intended to do so in the near future, since that Committee's reports were very useful to the Committee on Economic, Social and Cultural Rights.

17. Mr. CEVILLE, referring to paragraph 49 of the report and the written reply to question 16, requested information about the progress of the State job-creation programme.

18. Mr. CEAUSU, noting the extremely low level of the minimum wage, asked what wages were generally earned respectively in the private and public sectors. How could anyone be expected to work for one-fifth of the amount required for basic survival? Either the minimum subsistence level was artificially high, or workers had other sources of income which allowed them to make ends meet. The report provided some information on industrial accidents, but was somewhat lacking when it came to describing the way in which the labour inspection services were organized at the national and local levels. How many employees worked for such services? Did inspectors have the power to close a plant or a work site if an employer did not observe the labour protection standards?

19. Mr. AHMED expressed concern at reports that the Government had curbed expenditure by stopping the payment of salaries to public servants. According to one report, by early October 1998 the 24,000 employees of the Interior Ministry had not been paid for five months, and the staff of the Defence Ministry had not received their wages for three months. Neither ministry was receiving money for operating costs. A military rebellion such as the one that broke out in 1998 could easily recur for economic rather than political reasons. There were reports that desertion from the armed forces was common.

20. According to the annual report of the United Nations Resident Coordinator in Georgia, the Government had by the end of 1997 received hundreds of millions of dollars in loans and aid from the International Monetary Fund and the World Bank. What were the Government's priorities in the allocation of such foreign aid? Surely one of the priorities should be the payment of salaries for the military and the police force.

21. Mr. PILLAY asked whether the problem of the non-payment of salaries and pensions affected only the ministries of defence and the interior, or whether the entire public service was subjected to the same treatment. The delegation had referred to mismanagement in the tax collection and customs duties services as being one of the sources of the problem. Were the tax collectors and customs officials themselves receiving their salaries? What measures were being taken to remedy the situation and disburse back pay to public servants?

22. Mr. TEXIER asked how the level of the minimum wage was set. While the report indicated that it was set by the President, it was unclear whether any collective bargaining was

involved in establishing an acceptable level. What was the role of collective bargaining by trade unions and employers' organizations in setting out conditions of work, occupational safety and health standards, work schedules and other matters?

23. Mr. JIBUTI (Georgia) said that the unemployment statistics in the report were official figures which reflected the number of people registered as being unemployed. The criteria for registering people as unemployed were very strict, and only persons who registered gained entitlement to unemployment benefits. However, those benefits were very low, and many job seekers who came to the State employment offices did not actually register as unemployed. The official unemployment figure was thus significantly lower than the actual level of unemployment. As for the real unemployment rate, it could not be determined with any accuracy for a number of reasons. For example, persons who owned more than one hectare of land were excluded from entitlement to benefits and were therefore not able to register. Admittedly, that policy might not be the best, as the State was in that way linking the entitlement criteria to the level of property ownership. Estimates of the real unemployment rate in Georgia currently ranged from 20 to 25 per cent of the economically active population.

24. As for the breakdown of unemployed persons by gender, the figures were generally reliable. Approximately half of the unemployed were women. There had been an upsurge of unemployment among women at the beginning of the economic reforms, when the State restructured and cut back funding for such traditionally female sectors as health care, but since then the proportion of women had levelled off at about 50 per cent.

25. There was also a problem of hidden unemployment. Many workers remained on the payrolls of enormous factories and industries which had practically shut down, although they received no wages and did not actually work there, because they hoped that once the plant resumed its activities they would have a job waiting for them. Such workers were considered to be on "long-term leave" and would often avoid registering as unemployed persons.

26. The Government had programmes to cope with unemployment, which was a relatively new phenomenon. In 1992 the Government had adopted an Employment Act which established a system for State regulation in that area. The Act established State unemployment benefits, job centres and employment centres to enhance the skills and qualifications of unemployed persons both individually and collectively. Although that system was in place, it had not functioned effectively in the past two years, as an unprecedented economic crisis had literally swept away entire sectors of the economy. People had been thrown out of work in enormous numbers, and as a result the quantity of people left jobless sometimes actually exceeded the number still in employment. While the situation was gradually improving, wages remained low, as wage reform had not been carried out as thoroughly as it should have been.

27. Georgia had recently begun to step up cooperation with the International Labour Organization (ILO), and the Government intended to submit a report to the ILO in the near future. Despite the fact that the country had already adopted a new Employment Act and a Collective Contracts and Agreements Act, it still required assistance in the field of industrial relations, for example in redrafting the Labour Code. The tripartite commission composed of employers' and workers' representatives and the Government had only recently met for the first time. One reason was the lack of experience of trade unions and employers' organizations in

such cooperation. The Government wanted to ensure that the social funds that it had established would work in an effective and transparent manner, and was attempting to involve those organizations in that effort, in particular by including trade union representatives on the management boards of the state health care, social insurance and employment funds.

28. Work centres had recently been opened in cities particularly hard hit by unemployment, such as mining towns where virtually the entire population had been laid off. Such work centres had been established with the help of other States and international organizations, with a view to enhancing the qualifications of workers, for example in basic computer skills. Legal and psychological aid was also provided.

29. Workers who were unemployed for extended periods qualified for public works jobs under a programme for the long-term unemployed. Some of the activities, for instance, brought water to small towns or improved conditions at schools and hospitals. A social investment fund was run with assistance from the World Bank, and farmers' credit unions were also active in job creation. In 1999 the Government adopted an Act which stipulated that 3 per cent of the proceeds from privatization should be earmarked for a fund to support small enterprises. While all those measures were being implemented, their success or failure depended to a great extent on the economic situation in the country, which was currently quite difficult.

30. The minimum wage was not linked to any economic index. The sole purpose of setting a minimum wage had been indirectly to increase tax collection. When the minimum wage had been set at 9 lari, the State had decided that workers earning that wage would not pay income tax. As a result, nearly all the workers in the private sector had also declared salaries of 9 lari, although they actually earned more. When the Government had later set the minimum wage at 20 lari, it had done so to ensure that taxes would be paid at least on 11 lari per month. In 1992 average wages in the public sector had amounted to only the equivalent of two dollars per month. The inflation rate had been very high, and as a result the only goods affordable to wage earners had been basic foodstuffs produced domestically. At that time, the minimum wage had been set at about 50 per cent of the minimum subsistence level. The minimum wage was decided by the President on a yearly basis, and was being revised upward slowly so as to keep it in line with the minimum level in the public sector. Unfortunately, wages in the public sector still lagged significantly behind those in the informal private sector, which currently had a major influence on the Georgian economy. Private agricultural production, for example, was a major economic sector which was predominantly informal in nature and was thus not taxed.

31. Collective bargaining arrangements functioned only in the few sectors where they were feasible. For example, railroad workers and workers in one or two other industries were covered by annually negotiated agreements reached after tripartite bargaining. However, in the country as a whole, the number of collective agreements was low. Employers and workers were only just beginning to organize, and Georgian trade unions had only recently started to become active in international trade unions and organizations. However, the legislative basis existed for collective bargaining and the conclusion of collective agreements.

32. The delegation was in full agreement with the Committee members' comments that people should be able to work in dignity and earn a decent standard of living. Unfortunately, the situation was currently such that no one in Georgia had a decent standard of living according to

the standards of the industrialized countries. Georgia was facing a very complex situation, with a large number of refugees, an economy in transition and a very heavy burden from recent times. Nonetheless, the Government was attempting to draw up a new approach to determining wage levels. While cutting back on the number of workers in the public sector, it was trying to ensure that those who remained earned decent wages. Certain measures had been taken to ensure that the judiciary was independent and effective, for instance by providing judges with wages higher than those given to people working in other sectors. Similar steps had been taken for tax collectors.

33. Conditions of work were governed by a Labour Code and were the subject of inspection by various institutions. The State Labour Inspectorate was an autonomous body employing about 70 persons and was fully empowered to inspect both private and State enterprises. The technical inspection service too had wide-ranging powers, and employed some 70 or 80 inspectors. Both services were able to bring criminal charges against those responsible for violations of occupational safety and health standards. However, those standards were somewhat out of date.

34. Although the target of 5 per cent unemployment for the year 2000 might have appeared excessively ambitious, that had not been the case in 1995, when that target had first been set. As part of its social reforms, the Government was currently working on a national employment plan, although there was still no definite timetable for it.

35. Replying to a question from Mr. Ahmed, he said that the police and employees of the Ministry of Defence had not been singled out for non-payment of wages. The crisis affected all sectors and had first arisen following the sudden leap in inflation, which had been caused, in turn, by the worldwide economic upheavals of late 1998. The Government hoped to pay off all the previous years' arrears using funds earmarked exclusively for that purpose in the 2000 budget.

36. Unfortunately, the country could not choose how it spent funds it received from the World Bank and the IMF, since they were tied to specific programmes. The Georgian wage budget was worked out on the basis of current expenditure, taking account of both internal and external debts. The country was finding it difficult to escape from a vicious circle it had entered into as a result of its inadequate capital situation.

37. There was a major difference between the minimum wage and the minimum subsistence level, the former not being tied to the latter. Georgia's overriding concern in all its policies was poverty eradication, and the minimum subsistence level was intended to avoid exacerbating poverty. The delegation put the population living at subsistence level closer to 40 per cent than the 19 per cent estimated by the World Bank.

38. The CHAIRPERSON thanked the delegation and invited Committee members to proceed to questions concerning articles 8 and 9 of the Covenant.

39. Mr. TEXIER, referring to the right to strike enshrined in article 8, wished to know, given Georgia's vaunted trade union pluralism, whether many trade unions had indeed joined the International Confederation of Free Trade Unions. More importantly, he sought information

concerning restrictions on the right to strike. While the right to strike, by definition, was to be conferred on all trade union members, the report had stated that it could be denied certain categories of civil servants. He wished to know which categories were not allowed to strike, what constraints existed for those who could, how that right was regulated, and how it affected collective bargaining for wage rises and better working conditions.

40. Mr. CEAUSU, wondering how plural trade unionism really worked in Georgia, asked whether the former Soviet-style unions had been abolished after Georgia's independence or whether they had been overhauled and incorporated in the trade union system.

41. Mr. KOUZNETSOV asked why Georgia had not signed ILO Conventions Nos. 102 and 118 concerning social security and whether it intended to do so.

42. Mrs. JIMÉNEZ-BUTRAGUEÑO pointed to an apparent contradiction between paragraph 88 of Georgia's report, which listed beneficiaries of State pensions, and paragraph 98, which stated that Georgia as yet had no law on pensions except for the November 1996 Armed Forces, Internal Affairs Organs and State Security Personnel (retirement pensions) Act. She asked whether workers' contributions were the funding sources, as they were in most countries. With Georgia's elderly population an obvious topic of concern, the retirement age had been raised. She wished to know, however, the difference between women's and men's pensions. If, as in many countries, it was a dual-track system - which would discourage women from going out to work - were there any plans for equal pensions for women and men?

43. Mr. PILLAY asked for clarification as to why no positive result had emerged from the fact that, under the Trade Unions Act, cases concerning the return of State-confiscated trade union property had been heard in the independent courts, whose decisions had been upheld by a ruling of the Constitutional Court. On the subject of unemployment benefit, he sought the delegation's confirmation of the very high level of poverty suggested by the fact that only 12 per cent of the population received the minimum subsistence allowance, while 25 per cent lived below subsistence level. He was also dismayed that the subsistence allowance was 120 lari, while the minimum wage was 13 lari for public-sector and 10 lari for private-sector workers.

44. Mrs. BERIDZE (Georgia), replying to a question from Mr. Texier, said that the law stipulated how strikes should be organized. Limitations did exist with regard to emergency hospital staff, for instance. But the right to strike existed for workers, who sometimes invoked it and usually achieved the desired results. The State did not attempt to obstruct that right.

45. In reply to a question from Mr. Ceausu, she explained that Georgia's current trade unions were very different from the former Soviet-style unions. While they were still not very well established, Georgia was experiencing the development of a trade union movement similar to that in many Western countries. Also, to the best of her knowledge, Georgia had intended to accede in the near future to the ILO conventions mentioned by Mr. Kouznetsov.

46. Mr. JIBUTI (Georgia) said that while originally the Soviet-style trade unions had not actually been broken up with the change of the system, their property had on occasions been seized. Prior to 1997, the Soviet Union's regulations had made no specific mention of the

property of trade unions as such; assimilated to the State apparatus, their property was State-owned. It had been handed over to the Georgian unions. Some cases in which ownership had been disputed had been resolved in the courts. The Association of Georgian Trade Unions, which had resulted from the reorganization of the Soviet unions, was the most powerful in the country. The legal bases for trade union pluralism were the Trade Unions Act and the Civil Code. Any petition to form a trade union signed by 150 people was granted and a number of them had emerged in various sectors of the economy.

47. Georgia took an eclectic approach to the issue of social protection. Although the system had been reformed following the collapse of the Soviet system, it was perhaps not as efficient as it could be. While there was currently no differentiation among the various branches of social protection, the authorities had prepared, with World Bank assistance, a draft for the reform of the pensions system, which currently operated on the principle of solidarity. One unprecedented change had been raising the age at which women received pensions from 55 to 60 and that of men from 60 to 65. The criterion applied was length of service and past wages. However, the country was endeavouring to install a system founded on three main pillars: the first was accumulated funds, the intricacies of which were being worked out; the second was compulsory contributions; and the third would be developed once the country's financial markets had been stabilized in some degree.

48. The statute books already contained a law governing private pensions, and everything was being done to implement it efficiently. Social protection measures were being elaborated for other categories and would include law enforcement officials and former members of the armed forces. The latter received higher benefits than those paid under the basic old-age pension scheme.

49. In Georgia widows and persons temporarily unable to work received social welfare benefits based on a social tax of 27 per cent of the total wage bill for employers, and 1 per cent of workers' wages. Contributions of 3 per cent by employers and 1 per cent by workers provided the funds for a medical insurance scheme, with any deficit covered from the State budget. The solidarity principle was difficult to observe in Georgia, which had an ageing population. For every retired pensioner there was 0.8 workers, a situation that was already creating economic problems and causing inter-generational friction. The only difference between women's and men's pensions was the age of receipt.

50. The Armed Forces, Internal Affairs Organs and State Security Personnel (retirement pensions) Act determined the level of pensions for that category of persons. They were paid through the Ministry of Defence in cash or in the form of services such as medical care in hospitals established and operated by that ministry. Their pensions were four times as large as the ordinary State pension, and depended on rank and length of service.

51. In response to Mr. Pillay's question, he stressed that confiscation of trade union property was not widespread. All the same, some excesses had been investigated and all had been settled in the courts in favour of the trade union concerned. It occasionally occurred that the State or another new trade union laid claim to the property, making for disputes between unions or between a union and the State.

52. Concerning the means of survival of the unemployed, he repeated that the figure of 20 to 25 per cent referred to the registered unemployed. Some of those doubtless survived by working in the informal sector, which was unfortunately not controlled by the Government. It intended to formalize that shadow economy, not least in order to levy taxes on its activities. He agreed that Georgia had a very high poverty level, which was why poverty eradication - subscribed to by all political parties - was the leitmotif that ran through all Government policy.

53. Mr. Ahmed, Vice-Chairperson, took the Chair.

54. Mrs. JIMÉNEZ-BUTRAGUEÑO inquired about the second of the three pillars on which the pensions system would be based. She cautioned that the Committee had examined many cases of countries which, having changed to distributive pension systems, failed to respect acquired rights. She also wished to know whether Georgia, like some other countries, would pronounce it unconstitutional that, unlike widows, widowers received no pension. Lastly, she expressed dismay that members of the armed forces, who rightly already enjoyed many perquisites in all countries, should receive a higher pension than university professors or diplomats, for instance, solely on the basis of their type of work rather than length of service.

55. Mr. ANTANOVICH said that it appeared from the information provided by the delegation that the national pension system had more or less collapsed. As matters stood, it was virtually impossible for the Government to pay pensions at a level that was meaningful in current economic conditions. He noted that the pensionable age had been raised, presumably in an effort to reduce the number of persons drawing a pension. That was not typical behaviour for a country with high rates of unemployment: usually, retirement age was lowered in an attempt to release jobs for younger workers. Currently, the system in Georgia seemed to discriminate between different groups of workers. If so, it would constitute a serious breach of the country's international commitments. It was his understanding that the Government hoped in time to create a new system that would include private pensions. When did the delegation think that the Government would be in a position to do that? For the time being, there was no guarantee that pensioners would ever receive enough to live comfortably in their old age, which was clearly a very undesirable situation.

56. Mr. JIBUTI (Georgia) said that he believed that the components of the new pensions system would be the three pillars he had tried to describe. Clearly, the capitalization of the system would be linked to financial developments and to the growth of a market economy. The Georgian economy was in a state of chaos and it was unlikely that a new system could be brought into effect in the near future. It was also unlikely that private pension systems could develop quickly in the near term, although they did constitute an alternative possibility. The task currently facing the Government was to erect a system that was able to cope with the large and increasing number of persons of pensionable age. The current ratio of under one worker for each retired person of pensionable age made a system based on solidarity impossible. It was hoped that before the year was out legislation could be adopted on pensions that would take into account all the country's problems. Discussions were taking place with the World Bank regarding the possibility of a loan that would make it possible to restore a normal pension level for the current generation of retirees. At the same time, it was hoped to bring in a system for

younger workers based on the principle of capitalization. He agreed fully with the comments regarding the inadequacy of the current system, but he would urge the Committee to bear in mind Georgia's domestic situation.

57. The CHAIRPERSON invited the Committee to proceed to article 10, protection of the family, mothers and children.

58. Mr. HUNT said that he had been struck by the statement in paragraph 135 of the report about the limited use of modern methods of contraception owing to a general lack of awareness of such methods on the part of the public and to the absence of any public information effort in that connection. Could not something be done about the lack of information, given the importance of the issue to public health? It would not cost a huge sum of money to mount an information campaign, and international agencies such as the United Nations Population Fund could be approached for assistance. Reproductive health was a human rights issue of great importance to women that could be addressed in Georgia without great expense.

59. Mr. ANTANOVICH said that the delegation's response to question 29 of the list of issues provided a great deal of information on efforts to prevent juvenile delinquency and to meet the needs of young people. He was particularly interested, however, in what was being done for homeless children. The list of issues referred to children begging on the streets, but such children were not necessarily homeless. He would like to know more about the overall approach to real street children and the reasons which had led them to live in that way.

60. Mr. GRISSA said that one problem in regard to article 10 was how the family was to be defined. He asked whether the change of political system in Georgia had altered the concept of the family. Had the economic upheaval drawn families closer together or had it accentuated the process of disintegration?

61. Mr. SADI asked what the perspective of the Orthodox Church was on sex education. Was the national viewpoint affected by the position taken by the church? In regard to marriage, he noted that people as young as 16 were able to marry. According to the Convention on the Rights of the Child, a person of 16 was still a child. Was there likely to be any change in the definition of marriageable age?

62. Mrs. JIMÉNEZ BUTRAGUEÑO said that she was puzzled by the lack of information on the issue of violence against women, both in the report and in the replies to the list of issues. If the problem existed in Georgia, as she believed it must given its prevalence worldwide, she would like to know what was being done about it. She would also like to know whether juvenile delinquency constituted a major problem and whether there was much drug addiction among young people.

63. Mr. TEXIER noted that it was stated in paragraph 127 of the report that the number of marriages had fallen from year to year since 1989. Had there been any concomitant increase in the number of couples living together without marriage, and, if so, did the children of those unofficial unions enjoy the same rights as children born in wedlock? It was also stated in the same paragraph that divorce had become rarer. Where divorce occurred, however, did men and women have equal rights? For example, was custody of the children systematically awarded to

the wife or were both parents given custody, or could custody on occasion be awarded solely to the father? He noted that the Labour Code contained provisions regarding maternity leave and safeguards that prohibited the dismissal of pregnant women and new mothers. He would like to know whether those provisions were actually put into effect. It was unfortunately not rare, in many countries, for pregnant women not to be given their old jobs back.

64. Mr. CEASU said that he too would like to know whether the Georgian Civil Code and Family Code drew any distinction between children born in and out of wedlock, especially in respect of the laws on inheritance. He noted that there were sizeable Muslim communities in Georgia. He would be interested to know whether the provisions of the codes were in fact applied or whether traditional practices took preference.

65. Mr. PILLAY said that it was stated in paragraph 134 of the report that the numbers of recorded sexual assaults on women were small. According to a relevant report by the United States Department of State, however, spousal abuse was a leading cause of divorce in Georgia. A private shelter for abused women had apparently been opened, but there seemed to be no governmental supporting services. He asked whether there was any specific legislation against domestic violence and sexual harassment.

66. The CHAIRPERSON invited the Committee to take up Article 11, the right to an adequate standard of living. The Georgian delegation would have an opportunity to reply to the questions on both Articles 10 and 11 at the next meeting.

67. Mr. THAPALIA said that it was clear from a number of recent reports that poverty and hardship were widespread in Georgia. The social safety net had been shredded and growing inequity was falling heavily on those unable to pay for social services. He had found it stated in a country profile of Georgia that, at the end of 1996, 65 per cent of the population lived below the poverty line. He would like to know whether the actual percentage of the population living below the poverty level had gone up or down over the last five years, and what measures the Government was undertaking to reduce poverty. What was the percentage of the population in each of the five categories of poverty established by UNDP?

68. Mr. GRISSA said that the right to adequate food was dealt with at length in paragraphs 161 to 173 of the report. He asked what the impact of the reported deterioration in the food supply after the fall of the Communist system had been on the health of the population in general and on the nutritional state of children in particular. Were there any cases of actual malnutrition among children?

69. Mr. HUNT said that he had a very specific question regarding poverty levels. According to material prepared for UNDP's 1999 Human Development Report, 50 per cent of Georgians were living below the official poverty line of 102 lari per month. It had apparently been proposed that the level should to be changed to 52 lari per month. That would of course reduce the official number of poor people dramatically, overnight, to 11 rather than 50 per cent. The document went on to say that UNDP found the proposal difficult to accept and hoped that the Government would maintain the current level of 102 lari. He strongly supported the UNDP

position. He asked whether the poverty line had in fact been changed to 52 lari per month and, if it had not, could the delegation assure the Committee that there was no plan to reduce the level in that way?

70. Mr. PILLAY pointed out that the poverty line and the minimum subsistence level were really the same thing. Since minimum subsistence had been set at 92 lari a month, the poverty line had in fact been brought down from 102 lari.

71. Mr. CEASU drew attention to a discrepancy in the figures for meat production in 1996 and 1997 in the French text of the reply by the Government of Georgia to the list of issues. Judging by the figures given later for animal produce in the 1994-1998 period, there was a typing error in the French text.

72. The CHAIRPERSON suggested the Georgian delegation might respond to the Committee's questions on articles 10 and 11 at the next meeting, after which the Committee would proceed to article 12, the right to physical and mental health.

73. Mrs. BERIDZE (Georgia) thanked the members of the Committee for their thoughtful and detailed questions. The opportunity to look at the situation in Georgia through the Committee's eyes would be of great help to the Government in planning its future course of action.

The meeting rose at 6.00 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 27 April 2000, at 10 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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GE.00-41660 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Georgia (E/1990/5/Add.37); (Core document (HRI/CORE/1/Add.90); country profile (E/C.12/A/GEO/1); list of issues to be discussed (E/C.12/Q/GEO/1); written replies from the Georgian Government (HR/CESCR/NONE/1999/15)) (continued)

1. At the invitation of the Chairperson, the members of the Georgian delegation resumed their seats at the Committee table.

2. Ms. BERIDZE (Georgia) explained that contraceptives were still not widely used in Georgia, since the population was poorly informed with regard to the matter. Since 1997, when the necessary contraceptives had been made available in Georgia, the Ministry of Health had been carrying out an information campaign, through television in particular. Furthermore, the programme promoting healthy living, which had been implemented for the last two years, enshrined the principle of access to contraception for the whole population.

3. Begging, which was in fact a part of organized crime, and the phenomenon of street children existed only in large cities and their incidence was decreasing markedly. Two years previously the Ministry of Education had created a pilot boarding school project for 60 street children who had been taken under the wing of educators, doctors and psychologists. After two years of rehabilitation those children, who had been involved in alcoholism, drug addiction and prostitution, now led a perfectly normal life. However, the State could not look after the many street children who had parents. A presidential decree had set up a commission for the protection of minors, which cooperated with the Ministry of the Interior and the Ministry of Health and Social Security. Significant efforts had therefore been made, but much remained to be done.

4. The Civil Code stipulated that the family was the result of a legitimate union, freely consented to by a man and a woman, both of whom were required to bring up their children and to provide for the household's needs. The term "household" designated a unit which could include one person, parents and their children or three generations. Preference had recently been given to using that term to describe the nuclear unit. The word "family", whose meaning varied according to the law under consideration, covered different realities. It would be desirable, without excluding some of the variants, to define it more precisely, but it was up to Parliament to do so. In Georgia cohabiting was a new phenomenon, mostly to be observed in big cities and well accepted by society. As far as children born out of wedlock were concerned, they had the same rights as others and in particular could inherit from their parents. Maternity leave was set at 70 days before birth and 56 days afterwards. Furthermore, women with children under 3 years of age could obtain a further non-remunerated absence from work. Pregnant

women, women with children under the age of 3 and single mothers bringing up a child under 10 years old or a handicapped child of under 16 years old could not be dismissed from their employment. Sex education classes were given in schools and did not meet with hostility on the part of the Orthodox Church, although mindsets were changing slowly. In 1997 the minimum age for marriage had been raised from 16 to 18 years. The decrease in marriages was due to difficulties caused by the civil war, but, since the situation had stabilized, a rise in the number of marriages had been reported. The number of divorces had decreased, doubtless because adversity was a factor of cohesion and the marriages were the result of more mature reflection, promoted also by the Civil Code, since it had instituted the marriage contract. There was only one kind of marriage in Georgia, given that Muslim traditions, in particular polygamy, had practically disappeared during the Soviet era.

5. The new Criminal Code, to come into force in 2000, had increased penalties for rape. Sexual harassment was probably not very common in Georgia, but women who had been subjected to it tended not to complain. Recently a campaign had been launched to combat domestic violence, violence at work and traffic in women. Measures taken included the creation of a hotline for women who were victims of violence and the broadcasting of television programmes on that issue.

6. Mr. JIBUTI (Georgia) said that the number of families spanning three generations, which afforded protection for the elderly, was in decline because of economic difficulties. Young people did not have the means to provide for the needs of the elderly, and at the same time the population was ageing. The new social policy being formulated was therefore focused on the family. Allowances were provided, particularly for families where one or more of the members was not able to work and for orphans, in accordance with very strict criteria. Between 100,000 and 120,000 families benefited from such allowances. According to studies carried out over the past two years, poverty was an undeniable reality in Georgia, but very few people lived in absolute poverty. The fight against poverty, a fairly widespread phenomenon in former Communist countries, was a high priority for the authorities. Georgia needed guidelines from the Committee in that area and, particularly, international aid since poverty was increasing. There were very disturbing problems relating to housing, health, education and food. However, it was necessary to distinguish between different types of poverty, in order to ensure optimum allocation of available resources. To that end, benchmarks were related mainly to minimum subsistence level, average consumption and average monthly wage. Famine did not exist in Georgia, but the diet was not a balanced one and daily calorie intake was often too low. The nutritional situation was only known, in fact, via indicators such as the incidence of tuberculosis and digestive disorders. In that regard, thanks to the assistance offered by international organizations, those illnesses had been decreasing since 1996.

7. Mr. HUNT asked whether the Georgian Government intended to bring down the poverty threshold to 52 lari, as suggested.

8. Mrs. JIMÉNEZ BUTRAGUEÑO noted that, within the extended family, grandparents, far from being a burden, were able to make an extremely valuable contribution. It was appropriate to assign an important role to the elderly, particularly as the population of Georgia was ageing.

9. Mr. PILLAY asked whether there was a housing shortage in Georgia. If that was the case, he would like to know what measures the Government intended to take to remedy the situation.

10. Mr. JIBUTI (Georgia) said that the Georgian authorities were studying the issue of poverty with the assistance of the World Bank and did not intend to modify current criteria. However, it was necessary to define different levels of poverty. There was no legislation on poverty and, if the Government were to table a bill on the issue, it would take into account the opinions of the World Bank and of international experts.

11. As far as the elderly were concerned, measures taken in favour of the family made it possible to maintain links, which in Georgia had traditionally been strong, between generations. It was undeniable that the economic crisis had weakened the family, but the authorities fully recognized its importance and were making efforts to strengthen it.

12. Mr. SADI asked for further information regarding measures recommended by the World Bank in the context of its cooperation programme with the Georgian Government to combat poverty.

13. Mr. JIBUTI (Georgia) said that aid received from the World Bank related mostly to the reform of the pension scheme. Studies carried out with the assistance of international experts showed that the retired population was the group which, more than any other, was likely to fall below the poverty threshold. That said, the fight against poverty was not confined to the interventions of the World Bank alone. The Georgian Government also collaborated with the ILO, particularly in regard to labour relations, as well as with development agencies such as the United States Agency for International Development and the Japanese Agency for International Development. As far as housing was concerned, he stated that, following the collapse of the former Soviet Union, most State housing had been given freely to the occupants, who had thus become the owners.

14. The CHAIRPERSON invited members of the Committee to put questions or to make comments on the responses given by the State party to items 39 to 50.

15. Mr. GRISSA noted that the State party's report made no mention of problems arising from the deterioration of infrastructure, in particular of nuclear power stations and pipelines. He wondered what was the real incidence of pollution on the environment in Georgia and asked whether Georgia had a nuclear power station and, if so, what measures had been taken by the Government, given fears of another nuclear accident in the region, such as had occurred in Chernobyl. Lastly, given that Georgia was becoming an increasingly popular tourist destination, he wondered whether any cases of AIDS had been recorded in the country.

16. Mr. WIMER ZAMBRANO noted that spending on education had gone down from 120 million lari in 1997 to 52 million in 2000. Clearly that did not bode well for the achievement of the Georgian Government's objectives in combating poverty, and he asked why there had been such a significant decrease.

17. Mr. CEAUSU said he was perplexed by the very significant variations in the number of hospitals, which had gone up from 264 in 1996 to 287 in 1997, before declining to 272 in 1998. It was difficult to imagine that a country such as Georgia could either construct about 20 hospitals or close 15 of them from one year to the next. There were just as significant fluctuations in the numbers of other kinds of health institutions and of doctors and of middle-level medical staff. Such a situation could not fail to have an effect on the quality of care.

18. He noted with interest that the State had carried out the privatization of more than 500 health centres but wondered whether Georgians whose incomes were below the minimum subsistence level were able to meet the new costs for health care. A study carried out at UNDP's request had exposed serious problems in the financing of the health system. Payments made by beneficiaries of care did not always end up in the coffers of health establishments, which were thus deprived of desperately needed resources. The reform of the health system was a praiseworthy project, but until the State could reform and strengthen the institutions responsible for collecting taxes and for managing public funds no concrete result was to be hoped for in terms of improving the social situation and quality of life of the population.

19. Mr. ATANGANA, noting that infant mortality had risen from 7.1 per 1,000 in 1995 to 13.8 per 1,000 in 1996 and to 17.9 per 1,000 in 1997, wondered why the efforts made by the Georgian Government had not reversed that regrettable trend. He would, furthermore, like to know whether the high number of school drop-outs was related to the inability of parents to pay tuition fees for their children or to other problems such as child pregnancies.

20. Mr. CEVILLE said that, according to a UNDP study, the reform of the health system, accompanied by a privatization programme, had had severe consequences for Georgians, in particular for the poorest. He asked what measures the Government had taken, in accordance with the requirements of the Covenant, to bring quality health care within reach of the whole population.

21. Mr. THAPALIA requested details on the average life expectancy of the Georgian population. He also inquired how many people might be suffering from AIDS and what measures the Government had taken to deal with the problem.

22. Mr. HUNT said that according to the UNDP report on human development, secondary school curricula had been modified during the 1990s. Although the changes represented a significant improvement, it was still surprising to note that four hours were assigned to "military training" and only one to "fundamental concepts of justice". That seemed very imbalanced, particularly having regard to article 13 of the Covenant, which emphasized human rights.

23. Ms. BERIDZE (Georgia) noted that if expenses on education had gone down from 120 million to 52 million lari, it was because from now on teachers' salaries were, in each region, charged to the regional budget. Therefore, the figure of 52 million related only to appropriations from the central State budget. As for school drop-outs, they were not related to any inability of parents to cover their children's schooling fees. Under the Constitution, primary education was free, while only the last two years of secondary education were fee-paying and the

State paid 30 per cent of those costs. The Government spared no efforts in ensuring that all Georgian children had access to education. For instance, in mountainous regions, classes were open even where there were only two or three pupils. With the support of the World Bank, the Ministry of Education had been able to release a budget of $61 million to improve schools technically, for example, through computerization. Aware that the number of school drop-outs was high, the Georgian Government was determined to do everything in its power to ensure that very soon primary and secondary education would be no only compulsory but entirely free of charge.

24. She agreed with Mr. Hunt that the number of hours given over to military training and the number assigned to the study of legal questions was disproportionate. She assured the Committee that she would raise the matter with the Georgian authorities so that a reasonable solution might be found. That said, the Universal Declaration of Human Rights was taught in the 4th and 9th grades of city schools. Various measures had been taken to foster education in human rights, specifically the preparation of relevant textbooks.

25. Mr. JIBUTI (Georgia) added that with regard to the environment, his country had adopted a law on protection of the environment which meant that projects could not be carried out before environmental studies had been made. Under that law a number of national parks had been created. In general, the situation was improving in the areas which were of the most concern. Regional problems raised at the international level, such as the nuclear power station situated in Armenia and the hydroelectric power station being constructed on the frontier between Turkey and Georgia, had not been overlooked.

26. In the area of health care, Georgia had introduced reforms which sought to replace the system of direct funding of hospitals and clinics by an integrated approach: that was the explanation for the fluctuations from year to year in the statistical data. The decrease in expenditure on health personnel, for example, was explained by the fact that many health establishments had been privatized and therefore their salaries were no longer paid by the State. An insurance scheme, financed jointly by employers and salaried workers, had also been put in place. The objective was to make basic health care accessible to all and particularly to the 500,000 poorest. Georgia intended to carry on the reform of the health system by creating multi-purpose State institutions, which would make it possible to provide the level of basic health care which was indispensable to the population. To do so, it would need to privatize health care and to create a fund for health development. In order to continue to provide health care in villages, existing networks of mobile centres had been maintained. Given that expenditure on health was not entirely covered by the central budget, patients had to bear part of the costs, which explained the existence of a parallel sector. Since those expenses often caused families to become impoverished, Georgia was attempting to regulate medical practice by setting a cost scheme according to the disease or ailment.

27. As far as life expectancy was concerned it could only be estimated, since there were no censuses available: it was estimated by experts at 68 years for men and at 72 to 73 years for women. Although the rate of infant mortality had stabilized in 1999, it had risen significantly during previous years, because within vulnerable populations children were the first to be affected.

28. With regard to negative health effects caused by privatization, it was appropriate to note that, in terms of infectious illnesses, disease prevention programmes available to all, including the 500,000 poorest, had been introduced. It was undeniable that factors such as inadequate health care or an unbalanced diet had an effect on life expectancy in Georgia. As far as AIDS was concerned, Georgia had put in place and was financing a specialized State laboratory which kept a record of cases so as to have more detailed statistics enabling the scale of the problem to be better known and consequently allowing it to be fought more effectively.

29. Ms. BERIDZE (Georgia) added in that regard that an AIDS detection test was now compulsory in prisons. Five cases had been detected in 1998.

30. Mr. KOUZNETSOV wondered whether the modifications made to the system for financing education might not block development in that area and also whether it was possible to make local authorities actually fulfil their financing obligations.

31. Mr. WIMER ZAMBRANO highlighted the fact that the education budget for the year 2000 was 70 per cent less than that of 1997, which seemed to run counter to the Government's wish to develop that sector. He wondered what the explanation might be. Referring to article 15 of the Covenant, he inquired what proportion of the budget for culture was allotted to each of the large number of ethnic and cultural groups to be found in Georgia within the cultural programme put in place by the State.

32. Mr. GRISSA asked whether in Georgia, as in some countries of the former Soviet Union, well-off families sent their children to private school because of the decline in the quality of State education, how religious education was funded and whether funds were sent from abroad to support the teaching of a particular religion.

33. Mrs. JIMÉNEZ BUTRAGUEÑO said that in the area of health and education an appeal should be made for volunteers such as retired academics, teachers and doctors who could assist children, the poor and the elderly. That seemed all the more desirable since Georgia had indicated in its written responses (HR/CESCR/NONE/1999/15) that the NGOs present in Georgia focused most of their activity on civil and political rights, paying little attention to economic and social rights.

34. Mr. SADI expressed grave concern about the effects of the brain drain from Georgia. In his opinion the country would not be in a position to curb poverty, develop its economy or fulfil its obligations under the Covenant until it had solved that problem. He wondered whether Georgia had drawn up a programme of action to reverse that trend.

35. Mr. WIMER ZIMBRANO, referring to article 15 of the Covenant relating to cultural life, asked how the television sector, an important element of popular culture, was organized in Georgia.

36. Mr. PILLAY asked how teachers could be expected to go on teaching when they, like the rest of the intelligentsia, received a salary which was lower than the minimum subsistence wage. He was concerned at the literacy rate. Furthermore, he asked whether the Government had

introduced education and training programmes for all social and professional categories, particularly newly appointed judges, the police, the security forces and the prison authorities, in order to make them aware of the provisions of the Covenant.

37. Ms. BERIDZE (Georgia) explained that a Deputy Minister at the Ministry of Culture was dealing with the issue of minorities and could assist in financing the development of their culture. Furthermore a member of the President's staff was responsible for examining the situation of minorities and for making recommendations on the subject. Minorities financed their own cultural activities but also received financial aid from the State where possible.

38. As far as private education was concerned, she noted that higher education establishments were self-financing thanks to tuition fees. Many schools had been opened, but a number of others had closed down. Some provided an excellent education thanks to qualified teachers who often were intellectuals looking for ways to supplement their income. The question of religious instruction had not yet been resolved. It would be necessary to reach agreement with the different Churches, particularly the Orthodox Church.

39. Concerning television, she said that there was a channel partially financed by the authorities and a further seven or eight national and regional channels which were completely free to express their own opinions and did not hesitate to do so.

40. Mr. JIBUTI (Georgia), referring to education, said that in 1998-1999 there had been 24 State higher educational institutions and 154 private ones. In general, private institutions provided lessons in subjects that the State was not called upon to teach.

41. There were many volunteers in the health and education sectors, working not only in Georgia but also in international organizations abroad. Georgia itself benefited from humanitarian, financial and medical international aid which had allowed the country to survive during a difficult period.

42. With regard to the brain drain, it was a fact that many experts trained in Georgia left to work abroad. Despite the difficulties, the quality of education provided in higher educational institutions remained excellent. The Government was endeavouring to create jobs which were at the same high level as the skills of the more and more numerous graduates.

43. In response to the question on the precarious situation of teachers, he remarked that they were far from being the only people to be living below the poverty threshold. University lecturers sometimes had national or even international grants which supplemented their income. Often teachers in the public sector gave lessons in the private sector or lessons to individuals in order to find other means of support. It should not be forgotten that the informal sector allowed some people to make a living. As studies showed, the more educated the population, the better able it would be to leave poverty behind.

44. Mr. ANTANOVICH inquired about the reasons for the increase in the number of private higher education institutions. He wondered whether that was because the public institutions were not training enough specialists, or because teachers wanted to find another source of income. Did students who failed entrance examinations for public institutions go into the private

sector only because they could afford to pay for their studies? He asked what was the level of qualification of teachers in the private sector and what was the value of degrees conferred by private establishments. Were the authorities monitoring that sector? Regarding the scientific sector, he would like to have further information regarding the financing and the prospects of activities in nuclear research. What was Government policy for science?

45. Mr. MARCHAN ROMERO expressed concern at the decrease of cultural resources in the country. He asked what practical measures had been taken by the State since the submission of its initial report (E/1990/5/Add.37) to put an end to the exodus not only of graduates but also of performing artistes. He would also like to know if the law on culture adopted in 1997 was the same as the one which had been referred to in the State party's initial report. He asked for details as to how that law contributed to promoting respect for human rights.

46. Mr. WIMER ZAMBRANO asked whether the television channel subsidized by the authorities was a public channel.

47. Ms. BERIDZE (Georgia) said that in public universities teaching was of good quality, which was not always the case in private institutions, even if the teachers were required by law to have the necessary qualifications. Legally speaking, degrees had the same value, whether conferred by the public authorities or by the private sector; however, in practice, that might not be the case, depending on the field of study.

48. The television channel partially subsidized by the public authorities was not a public channel. It was required to broadcast certain programmes or announcements by the public authorities, but was entirely free and independent.

49. The law on culture had indeed been adopted in June 1997. It aimed at protecting human rights by making culture accessible to all and by enabling each person to benefit from it. The Government judged it essential to promote culture even if that was difficult because of the economic situation. In 1999 laws on theatres and on protection of the cultural heritage in Georgia had been approved. A draft law on culture and museums was being prepared.

50. Mr. JIBUTI (Georgia) said that higher private educational establishments were more and more commonly providing quality education, often in foreign languages. Some of them had found partners in the West.

51. As far as scientific research policy was concerned, the law on science provided that scientific establishments should be maintained, but their reform was not yet complete. Some of them were competitive, for example in the area of space technology where collaboration with the Russian Federation and the United States had been established. Applied research received more funding than basic research.

52. The Government had done its best to increase spending on culture in the budget for 2000, but that effort was still insufficient. The authorities were implementing a programme to safeguard the cultural heritage, which benefited from financial assistance from the World Bank. In that area assistance was also received from UNESCO and other international organizations.

53. Mr. KAVADZE (Georgia) added that a group of scientists was currently carrying out nuclear research in cooperation with a Russian organization and with CERN. Georgian physicists were also working in France and the United States. Thanks to new technologies, particularly the Internet, Georgian researchers could have contact both with their counterparts in the major nations and with their compatriots working abroad.

54. Ms. BERIDZE (Georgia) concluded by assuring the members of the Committee that their recommendations would be taken into account and would be transmitted to the new Government.

55. The CHAIRPERSON thanked the Georgian delegation for its participation. She asked the State party to respond in its next periodic report to questions left pending and to indicate whether the concerns, recommendations and suggestions to be formulated in the Committee's concluding observations had been taken into account and with what results.

The meeting rose at 12.50 p.m.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 27 April 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

later: Mr. CEAUSU
(Vice-Chairperson)

later: Mrs. BONOAN-DANDAN

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GE.00-41676 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Italy (E/1994/104/Add.19; E/C.12/Q/ITA/1; written replies to the list of issues prepared by the Government of Italy (document without a reference number))

1. At the invitation of the Chairperson, the members of the delegation of Italy took their places at the Committee table.

2. Mr. MORENO (Italy) said that the Covenant called upon States parties to make continuous efforts to improve their standards in the fields it covered. As Italy's third periodic report had been submitted in 1997, it would be appropriate to present the numerous changes that had occurred in Italian life since then. The most important aspect had been the massive and continuous entry into Italy of significant numbers of foreigners. Over and above the influx of illegal immigrants from countries outside the European Union which Italy had faced in the past, the crisis in the Balkans had led increasing numbers of Bosnians, Albanians and Kosovars to enter the country. There were also large numbers of Kurdish and North African illegal immigrants.

3. The various groups tended to arrive in the country at different times and to stay for different periods. Currently, the immigrant groups from Africa and Asia, apart from the Indian subcontinent, were those which had stayed the longest; Latin Americans were generally more recent arrivals, and most immigrants from Eastern Europe had arrived only in the past few years.

4. At the beginning of 1998, immigrants who came from countries with high rates of emigration represented just over half the total immigrant population in Italy. Such immigrants were able to obtain a residence permit provided they could demonstrate that they had sufficient income and had committed no serious offences. Immigrants from outside the European Union were able to acquire Italian citizenship after a period of 10 years. About 122,000 people, including 57,000 Africans, had thus qualified for citizenship by 1 January 1998.

5. For over 10 years, women had accounted for 41.9 per cent of the immigrants registered in Italy, but that proportion was highly dependent on the country of origin. Among immigrants from Muslim countries it was very low, while it was highest for immigrants from the Dominican Republic, Brazil and the Philippines. In recent years the overall proportion of women among immigrants had risen from about 40 per cent in 1992 to nearly 45 per cent. There had been a marked increase among immigrants from countries with high emigration rates. The proportion of married couples who immigrated had risen as well. While many young women came to the country for family reunions, still more came for work-related reasons. The growth of female immigration, together with increases in the number of older and younger immigrants, had led to a normalization of the composition of the immigrant population, which had previously been dominated by single men.

6. Male immigration followed by family reunions was typical for the African countries, the North Africans in particular, and for Albanians. Among some national groups such as Peruvians, women with work permits tended to be the first immigrants and would be followed by other family members. In the case of Filipino immigrants, women workers predominated, but the low level of family reunions appeared to indicate that most of the women concerned intended to return to their country of origin.

7. In 1998 the number of foreigners holding residence permits for religious reasons came to 53,000, over half of whom were from countries with high emigration rates. The number of women holding such permits was generally low, except in the case of Indian women, who accounted for just over half of the Indian recipients of such permits.

8. Many of the foreigners who had entered the country illegally had requested refugee status or asylum. The new influx of immigrants had brought with it a need for housing for new arrivals both on an emergency basis and in more ordinary circumstances. The Government had therefore adopted Single Act No. 286/98, which stipulated inter alia that foreigners living in Italy had the same entitlement as Italian citizens to residential and public housing. It also granted equal entitlement to the services of the regional and local public agencies, whose aim was to facilitate access to housing and provide credit for the construction, acquisition or leasing of a first home.

9. A national fund had been established to assist in setting up reception centres and temporary and permanent accommodation for immigrants, and responsibility for providing such services had been assigned to the regional and local authorities, who were to work with public and private agencies, foundations, associations and voluntary organizations. The Single Act stipulated that employers requesting a work permit for foreign workers had to demonstrate that lodging facilities were available for them and had to provide housing for them at their own expense.

10. A number of local initiatives had been taken by municipalities, cooperatives and voluntary organizations, especially in the north-central part of the country, with the aim of increasing immigrants' access to the private housing market and of establishing a housing stock to be rented out at subsidized rates.

11. Another Act adopted in 1998, No. 1998/40, stipulated that regional and local authorities should take preventive measures against housing discrimination, for example by assisting the social integration of foreigners. In particular, it called for the establishment of reception centres to host foreigners in need of help and to encourage them to become more independent. The same law stipulated that foreign workers were entitled to the same access to public housing as Italian citizens.

12. In 1998, as an exceptional measure, the Ministry of the Interior had granted 300,000 special residence permits to foreigners who had entered Italy illegally.

13. In December 1999 the Government had adopted Act No. 482 as a framework law which laid down standards for the protection of linguistic and ethnic minorities, in conformity with the provisions of article 6 of the Constitution and various international instruments. Its objective was to defend the language and culture of the Albanian, Catalan, German, Greek, Slovenian,

Croat, French, Provençal, Friulian, Ladino, Occitan and Sardinian communities. The Act reserved a special role for the regions, provinces and municipalities where such groups lived, and stipulated that regional legislation concerning minorities must be at least as favourable to the minority groups as the provisions contained in the national law. Regions with special status were to conduct appropriate consultation procedures for their minorities, and those groups which were scattered over various regions or provinces could set up advisory and consultation bodies to work with local authorities.

14. The Act also defended public education in the protected languages. For example, minority languages were to be used alongside Italian in kindergartens, and could be taught as a school subject in primary and secondary schools at the request of the parents. Under the provisions of the Act, public administrations were required to ensure that services could be provided in the minority languages. Place names conforming to local customs and traditions could be used alongside official ones. In certain municipalities, individuals from minority groups whose names had been adapted to Italian forms were able to change their own names and those of their descendants back to the original. Other provisions were aimed at ensuring that press and media services were provided in the protected languages. The Act also called for agreements to be concluded with other States so as to ensure the rights of ethnic minorities in Italy and of Italian minorities abroad.

15. Mr. SADI said that he understood that large-scale immigration was a concern for Italy, as it placed a burden on the country's housing, education and health infrastructure. Immigrants had various reasons for choosing to go to one country rather than another, and in Italy's case, one main reason was the warmth, hospitality and tolerance of the Italian people. Did the Italian Government foresee a negative reaction in Italy such as that which had occurred in other European countries? If so, then perhaps Italy and other countries in the same situation should consider the possibility of accelerating investment in the countries which were the source of large-scale migratory flows. It would appear to be less costly for the European countries to reduce, if not eliminate, the problem of large-scale immigration by ensuring that sufficient resources were invested in such countries of origin.

16. Mr. RIEDEL said that the Italian people were indeed renowned for their hospitality and tolerance toward foreigners. The country's internal problems were generally not used, as in certain other countries, as a pretext for xenophobia. He would like to raise certain points related directly to the Covenant.

17. Article 10 of the Italian Constitution guaranteed for foreigners the right to apply for asylum, but stopped short of guaranteeing the right to asylum itself. That provision had no implementing legislation, presumably because the Government had decided that an asylum law would not be the appropriate means of dealing with immigration, and had instead adopted the 1998 Act concerning foreigners. The number of people who had actually been granted asylum was exceedingly small in comparison with those in other European countries. Perhaps the delegation could provide some explanation.

18. The fate of the hundreds of thousands of illegal immigrants was of great concern to the Committee. Were their economic, social and cultural rights protected? Many from Kosovo, Albania, Bosnia, Kurdistan and North Africa had been caught up in drug dealing, prostitution

and trafficking in migrants. How was the Government coping with those problems? Were there any agencies or police services which inspected work sites to see whether illegal aliens were employed there? If so, what had been done to ensure that the family situations of such persons were taken into consideration and that the provisions of the Covenant were not violated?

19. As in other European countries, it could take up to eight years to settle the cases of people who contested their legal status as foreigners. Was the Italian Government making any efforts to shorten that period? After the deportation of such individuals, could their cases still be appealed and the process carried through on their behalf?

20. Mr. GRISSA commended the clarity of the delegation's introduction, which had concentrated for the most part on Italy's immigrants, many of whom originated in his country, Tunisia. Both President Ciampi and the Governor of the Central Bank had recently spoken of the need for such migrants, in the light of Italy's declining labour force and the fact that there were many services which Italians did not wish to provide. He wondered whether there was not excessive concern about immigrants, especially considering that more Italians lived outside Italy than in it.

21. Mr. AHMED joined in welcoming the large and high-powered delegation, which augured well for a constructive discussion. He asked what conditions immigrants must meet in order to obtain a residence permit, whether they were all treated equally, which categories of immigrant could and could not work in Italy, and whether they were permitted to reside in towns or forced to inhabit camps specified by the Italian authorities.

22. He sought clarification regarding the situation of the Roma. Were they considered immigrants, Italians or nomads? Were they integrated into Italian society? Did they live in camps or among Italians? Contrary to the declaration in Italy's second periodic report, which had been examined in 1997, the United States Department of State had reported that the Roma were both physically and culturally isolated.

23. Mr. WIMER ZAMBRANO remarked that opposition from conservative groups usually accompanied any heavy influx of immigrants. Indeed, in Italy supremacist groups had recently caused disruption which the authorities were endeavouring to suppress. Sharing the Adriatic with the Balkans, Italy had traditional ties with those countries, so that migration from them was neither new nor unnatural. He asked whether there were any legal or practical differences in the treatment meted out to the various groups.

24. Mr. MORENO (Italy) requested a suspension for five minutes so that the Italian delegation could confer.

25. The CHAIRPERSON said that, since the written replies had arrived too late to be translated from English, she would request the delegation to provide a brief summary of the written replies to each question during their oral replies so that Committee members could be apprised of them in their working languages.

The meeting was suspended at 4.01 p.m. and resumed at 4.12 p.m.

26. Mr. Ceausu, Vice-Chairperson, took the Chair.

27. Mr. MORENO (Italy) said that, despite Italy's acknowledged hospitality and spirit of tolerance and its civilization enriched by inputs from many cultures, judicial machinery had been set in motion in 1998-1999 to ensure citizenship rights for a newer category of immigrants fleeing war and disease in their countries, with all that it implied for social and political life. Mr. Sadi's suggestion to increase investment in the countries of origin of the bulk of immigrants was in fact the core of Italy's development cooperation policy; it was establishing agreements on migrant flows and productive investment in the Mediterranean area. Such a policy, however, should not be the preserve of any one country; it must engage all countries in Europe in a common endeavour. The Council of Europe, the European Union and the Organization for Economic Cooperation and Development had fully grasped the importance of obtaining information from countries on projected migrant flows so that they could be regulated and plans made to accommodate them.

28. Xenophobic reactions in some Italian circles, as mentioned by Mr. Riedel, were a major concern of the authorities. He agreed that Italy itself had given millions of people to other countries of the world, each exodus triggering a generation of lost time. While it was important to find new solutions to the immigrant problem, asylum was probably not the correct procedure, since the new immigrants were fleeing poor conditions in their countries. There was neither a quota system nor any other distinction between ethnic groups. On the sole basis of arrival date, all the 350,000 or so persons seeking to remain in Italy had been accepted, despite the fact that the authorities had received no background information on them from their countries. All asylum-seekers were free to return to Italy to defend their case at any stage of the proceedings.

29. The immigration coin did, however, have another side, in that recent immigration also brought with it a terrible chain of criminality involving ruthless, determined people intent on finding a new centre for their drug-trafficking, prostitution and other activities. Indeed, given the magnitude of the phenomenon, the crime of trafficking in immigrants had been codified. It was that aspect that was at the root of the intolerance shown by some Italians.

30. There was a vigorous labour inspectorate, and illegal workers were encouraged to denounce their employers so that the Government could organize social protection for them. He agreed with Mr. Grissa that immigrant workers were needed for their work, their skills and their culture in the interdependent world in which we lived, a need foreseen by the National Council for Economy and Labour. All European countries needed new inputs, especially since the labour shortfall for certain categories of work encouraged substitution. Italy did not protest against immigrants, it simply wished to plan and organize in such a way that the authorities could take responsibility for them.

31. Replying to a question from Mr. Ahmed, he said that there was no discrimination among categories of immigrants, nor were there any permanent camps. The Italian authorities recognized the need for temporary camps to give clandestine immigrants an opportunity to establish their identity, but it was attempting to replace them with a structure run by non-governmental organizations (NGOs) and the like.

32. Italy had 130,000 registered Roma, 80,000 of them Italian citizens, who were free to go wherever they wished. However, transitory camps - although not compulsory - had been organized for those still attached to the nomadic system. The first victims of any unrest in Roma camps near large cities were the people who came into contact with them, hence the need for regulation. The Senate was currently examining a draft law on protection of the right to nomadism.

33. The fact that the Roma in Italy, even those who were Italian citizens, came from so many different countries made it more difficult to grant them recognition and protection as a linguistic minority. He noted that the draft law would allow the Roma to opt for statelessness, in line with the New York Convention. It also directed special attention to schooling. Provision was made for educational courses designed to meet their special needs. About 4,000 Roma children from different nomadic camps had already been integrated into the Roman school system. Legislative action at the local level could lead to encouraging results, especially in regard to the management and organization of the transit camps. Every now and then, of course, there might be small clashes with local communities which resented the presence of large numbers of nomads. At the same time, strenuous efforts were being made to provide the Gypsy community with adequate living conditions. For example, in the southern region of Calabria, a permanent camp had been set up that offered public housing designed by the Roma themselves in keeping with their own traditions. The results, in terms of stabilizing a population that was no longer nomadic, had been highly satisfactory.

34. The Administration was continuing to follow the Roma question very closely. Despite the relatively small size of the population involved, only some 130,000 persons, it presented many problems. The last influx had consisted of Roma from Kosovo, where they had been subjected to persecution on account of their supposed support for the Serbs. That had led in turn to a problem of coexistence with other Roma. Nevertheless, the Administration continued to believe that the right way to solve the problem as a whole was through the introduction of comprehensive legislation that could create the basis for a lasting solution.

35. Mr. WIMER ZAMBRANO had brought up the problem of racism. Throughout the world, the presence of large numbers of immigrants tended to be used as a tool to stir political emotions. Italy, like other countries, had a problem of that sort, which it needed to tackle decisively. The question was fundamental: unless equal treatment was achieved for people of different colour, sex, origin and language, the rule of law would never be ensured, either at home or abroad. He noted that Italy was to have the honour of presiding over the forthcoming Conference against Racism. It was a great responsibility that would entail a major effort on its part in order to help find the best means of tackling the root causes of the problem. Italy, as a country with a history of emigration, had itself suffered from racism, which perhaps made it more sensitive to the need to create conditions that would prevent the erection of racist barriers between people with the same human needs engaged in doing the same work. Italy would be glad to have the support of the members of the Committee at the forthcoming meeting of the Preparatory Committee for the Conference. He emphasized that the problem of racism was still very much alive, throughout Europe, and highly dangerous.

36. The CHAIRPERSON invited the Committee to proceed to the consideration of part I of the list of issues, covering the general legal framework within which human rights were protected. As the Italian Government's written replies had been distributed only in English, he would ask the delegation to begin with a brief summary of its responses to questions 1 to 5.

37. Mr. CITARELLA (Italy) said that, following the discussion of Italy's second periodic report, the Committee's concluding observations had been circulated among all the government departments involved and Italian NGOs, both of which had urged the Administration to take those comments into account in its plans for the future. The provisions of the Covenant had been invoked before Italian courts, although the Covenant itself, most of whose provisions were covered by domestic legislation, was not explicitly referred to. In practice, judges normally applied the domestic legislation. Action to disseminate the rights embodied in the Covenant had included activities in celebration of the fiftieth anniversary of the Universal Declaration of Human Rights. An ad hoc committee set up to supervise initiatives organized by NGOs and other private bodies as well as by universities and public institutions had encouraged and financed more than 50 projects of various types relating to the principles contained in the Declaration and the provisions embodied in the two Covenants.

38. Mr. SADI said that the response to question 2, namely that the provisions of the Covenant had been invoked before the courts but that very few rulings referred to it explicitly, caused him some concern. Without any specific reference to the Covenant, the Italian people would be unaware of its relevance to their judicial system. On the question of Italy's position on the optional protocol, he urged the Government to reach beyond passive support and instead spearhead a campaign in favour of its preparation and adoption. Those countries which supported the idea of preparing an optional protocol needed to take a more affirmative approach. Otherwise, the idea would continue to hang fire for another 10 years.

39. Mr. ANTANOVICH said that the statement in reply to question 5 of the list of issues that various universities had organized postgraduate courses on the principles contained in the two Covenants could be taken to imply that not all Italian universities had done so. He would like more information on the status of human rights teaching in Italy: for example, what kinds of student took the courses and who did the teaching?

40. Mr. HUNT said that he wished to ask a question which was not included in the list of issues but was, he believed, of considerable importance. Italy's representative in the World Bank, as was to be expected given the size of its economy, enjoyed a weighted vote that gave the country one of the largest votes in the organization. As well as representing Italy, he spoke on behalf of a cluster of other World Bank member countries, including Portugal, Greece, Malta and Albania, all of which, like Italy, had ratified the Covenant. He wished to know, therefore, whether the Italian Government took any steps to ensure that Italy's representative in the World Bank took the Covenant into account in carrying out his responsibilities. The matter was especially pertinent when the World Bank was considering a loan or other programme in relation to a recipient State which had also ratified the Covenant. He believed that his question was relevant to the effective implementation of the Covenant and thus to the work of the Committee. In the spirit of constructive dialogue, he would appreciate a candid response.

41. Mr. CEVILLE said that he would like to revert to the topic of the direct application of the Covenant in judicial decision-making. Did international provisions automatically form part of national legislation, or must they, in order to be applied, first be translated into domestic legislation? He would also like to know what information judges and other judicial authorities received in that connection. For example, were special seminars organized to enhance their familiarity with the provisions of the Covenant?

42. Mr. AHMED said that he would like to hear further comment from the delegation regarding Italy's response to article 3 of the Covenant, on equality between men and women. Given the great respect accorded to mothers in Italian family life and society, could the delegation explain the persistent lack of equal opportunity for women noted by the Human Rights Committee in its concluding observations in 1998?

43. The CHAIRPERSON said that Mr. Ahmed's question related to the following section of the list of issues, on the general provisions of the Covenant. He suggested that the delegation should reply first to the comments connected to questions 1 to 5.

44. Mr. CITARELLA (Italy) said that, in the Italian legal system, the provisions of international agreements ratified by the Government were part of the law of the land and applied immediately. It would be possible to look into the text of various legal judgements in order to see if precise reference was made to the Covenant. However, it was normally the case that in the general framework of their decisions judges referred to Italian legislation, the provisions of which were more detailed than the rules set out in the Covenant. The Covenant was not ignored, however, and it could be invoked by individuals. Efforts were being made to arrange special courses for judges to enhance their knowledge of the rules of the Covenant. In reply to the question why only some Italian universities offered special courses on human rights, he explained that universities in Italy were completely independent and that no general guidance was given regarding the courses offered. Certain universities, therefore, had chosen to offer special courses. The University of Padua, in conjunction with 15 other European universities, conferred a degree of Master of Human Rights which was accepted throughout the European Union. Other universities gave courses on human rights which were attended by ordinary students, civil servants and human rights professionals. The last year had seen a proliferation of such courses.

45. Mrs. Bonoan-Dandan resumed the Chair.

46. Mr. RIEDEL said that the statement in the reply to question 2 that Italian domestic legislation had created a set of rules and regulations that were more advanced than the provisions of the Covenant could be taken to imply that the Government did not regard it as necessary to adopt an optional protocol. An optional protocol could have meaning only if it was obligatory for all member States which had ratified the Covenant to make it clear that there were identifiable economic, social and cultural rights on which individuals could rely. That point had not been addressed in the response of the delegation.

47. Mr. CITARELLA (Italy) reiterated that the rules of the Covenant were directly and immediately applicable in Italy. Thus, any individual could ask the judge to apply those rules. However, in many cases, the individual concerned, not the judge but the individual plaintiff,

would find something more specific in Italian law on which he could rely. It should not be forgotten that under the European Convention on Human Rights a court had been established that was empowered to make decisions having final and executive force in Italy. Over a period of 20 years, only a very small number of claims had been filed against Italy under the Optional Protocol on Civil and Political Rights. The reason was that any person interested could apply to the court in Strasbourg, where he could hope to receive not only a binding decision in his favour but a special indemnity.

48. Mr. MORENO (Italy), replying to Mr. Hunt's question, said that the World Bank's approach, traditionally profit-oriented, had been changing recently to take greater account of human rights issues. The Italian Government endeavoured to ensure, in its dealings with the World Bank, that the right to development was adequately taken into account in action taken by the World Bank in developing countries. It also tried to give appropriate guidance to its representatives in the World Bank on that issue. It was organizing three seminars on the question of how to reconcile the traditional profit-based approach of the World Bank with the principle of protecting basic human rights.

49. Mr. HUNT welcomed the increasing awareness in Italy of the importance of economic, social and cultural rights issues, and human rights issues in general, in the work of international financial institutions. However, he wished to point out that he had been referring not to the right to development, but rather to the obligations set out in the Covenant, particularly the obligations relating to international cooperation mentioned in article 2.1. He would like to know whether those obligations were a subject of discussion between the Government of Italy and the country's representatives in the World Bank.

50. Mr. MORENO (Italy), recalling that a recent meeting of the G8 countries had agreed to cancel up to 80 per cent of the debt of certain countries, said that a new law had been introduced in Italy to allow the cancellation of a further 20 per cent of debt, provided that the countries in question were taking sufficient action to fulfil the obligations laid down in the Covenant. In that way, a link was being created between financial benefits and respect for human rights.

51. In reply to Mr. Ahmed's question, he said that the role of women in Italian society had traditionally been to take care of all the needs of the family. The welfare system had also been organized on that basis and might therefore have discouraged women from working in the past. However, a law on parental leave had recently been adopted, giving both mothers and fathers the right to take up to 10 months' leave within the first eight years of a child's life. The law was intended to promote a more even balance between work and family responsibilities.

52. Women were increasingly well represented in the labour market. In 1997 and 1998, 67 per cent of new jobs had been occupied by women. In the first quarter of 1999, that figure had risen to 80 per cent. Women currently accounted for just over one third of the workforce and the total number of women in employment was increasing at a faster rate than that of men. The number of self-employed women and the number of women in middle- and high-ranking professional positions had also increased in recent years. The one field in which women were not yet adequately represented was politics. The Government of Italy was aware of the seriousness of the problem and was considering the introduction of a system of quotas to increase the number of female members of Parliament.

53. The CHAIRPERSON invited the members of the Committee to ask follow-up questions relating to Nos. 8 and 9 on the list of issues.

54. Mrs. JIMÉNEZ BUTRAGUEÑO said that, since she had had some difficulty following the reply made by the representative of Italy, she was not sure whether he had provided any information not already given in the written replies. She would be grateful if any additional information could be provided in writing. However, she welcomed the fact that men as well as women were now entitled to parental leave and she would like to know how many men were exercising that right.

55. Mr. THAPALIA pointed out that, in the concluding observations of the Committee on the Elimination of Racial Discrimination on the tenth and eleventh periodic reports of Italy, contained in document CERD/C/304/Add.68, concern had been expressed about the segregation of Roma people in Italian society, partly resulting from the fact that many of them lived in camps outside major cities. A report by the United States Department of State had also highlighted the fact that Roma people were often unable to obtain residence and work permits because they had no identity documents from their country of origin and could be deported. Without a legal source of income, they often turned to begging and petty crime. A third report, from Save the Children, mentioned the very low enrolment rate of Roma children in schools and universities. In the light of those reports, he would like to know what measures the Government was taking to ensure that Roma people were not subjected to discrimination, in practice and not just in theory. He also asked what steps were being taken to improve educational and employment opportunities for Roma people and to remove obstacles to participation by Roma people in the process of making decisions that directly affected them.

56. Mr. PILLAY, noting that there were significant economic and social disparities between the north and south of Italy, which had an adverse impact on women and children in particular, asked what action was being taken by the Government to redress that imbalance.

57. Mr. MORENO (Italy), replying to Mrs. Jiménez Butragueño's question, said that he had merely wished to point out that the Government of Italy was taking new measures to ensure that the burden of child-rearing was shared between men and women. A new law adopted in March 2000 granted equal support to mothers and fathers in raising children so that a better balance between work and child care could be achieved. That law established the right to parental leave for both mothers and fathers.

58. Mr. CITARELLA (Italy), replying to Mr. Thapalia's questions about Roma people, said that the situation of Roma was a pressing issue in many countries in Europe. Of the 30,000 Roma resident in Italy, 80 per cent were Italian citizens. There was, in fact, no precise definition of the term "Roma" since it covered more than 100 different minorities with various origins and languages. It was therefore difficult to form a coherent approach to dealing with their needs. Another problem was that Roma people were nomadic. A number of regional rules were in place dealing specifically with nomadic minorities, and special administrative instructions had been issued allowing the children of nomadic people to move freely from one school to another. The Ministry of Justice had also adopted special procedures for notifying nomadic people of information about judicial proceedings affecting them, since that could be

difficult if the people in question were of no fixed abode. In addition, a new law currently being debated in Parliament referred to nomadic people rather than to Roma, since the latter term was more difficult to define.

59. There was not so much a problem of discrimination against Roma people as a problem of intolerance. In some towns with a large Roma population, Roma people sometimes jumped the queue to obtain housing, which could cause resentment among the local population.

60. Mr. MORENO (Italy), replying to Mr. Pillay's question, said that the long-standing disparity between the north and the south of Italy in terms of the pace of development was still a problem. Because of the difficulty of finding work in the south of the country, many people migrated to the north. There was no discrimination, however, between north and south, although sometimes there were problems in providing migrants with adequate housing and decent living conditions. For many years, southern Italy in general had received extra investment; that approach was being replaced by action targeted at particular groups of disadvantaged people. For example, pursuant to Law No. 196, adopted in 1997, resources and support were being provided specifically for young unemployed people in the south. In Sicily, efforts were under way to encourage growth in the information technology sector.

The meeting rose at 6 p.m.